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Paper No. 9

In re Application of
Albert J. Van Mullem *et al*
Application No. 09/758,680
Filed: January 11, 2001
Attorney Docket No. 024445-061

: DECISION ON PETITION

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This is a decision on the petition filed on July 21, 2003 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a timely and proper reply to the Office letter dated November 20, 2002. The petition is considered under 37 CFR 1.181, and no fee is required for the petition.

The petition is granted.

Petitioners allege that this application is not abandoned because a timely reply to the Office letter in question was in fact filed. Petitioners support this allegation by furnishing a copy of the reply as filed, and a copy of a filing receipt for the reply showing that it was in fact received in the Office on December 20, 2002. From this evidence, it is clear that the application is not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner to enter the Revocation and New Power of Attorney that is attached to the petition, with a filing date of December 20, 2002. The Head Supervisory Applications Examiner should also change the Attorney Docket No. in the PALM system to agree with the docket number appearing at the top of this Decision. Thereafter, the application will be forwarded to the examiner for action on the reply filed on December 20, 2002.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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